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REMARKS

Claims 1-6, 9-13, 24-39, 41-48 and 61-72 are currently pending in the above-identified application. Claims 24-31 and 61 are withdrawn as direct to non-elected claims. Claims 7, 8, 14-23, 40, 49-60 and 73 have been canceled and claim 74 is new. Claims 62 and 69 have been newly amended. No new matter has been added. Examination and reconsideration of all pending claims are respectfully requested.

Applicant's Attorney appreciates the Examiner taking the time to discuss this application and invites the Examiner to telephone the undersigned if further discussions would expedite prosecution of this application.

Allowable Subject Matter.

Applicant appreciates the Examiner's indication that claims 1-6, 9-13, 32-39 and 41-48 are allowed. Applicant also appreciates the indication that claims 63-68 would be allowable if rewritten into independent form. Applicant believes that claims 63-68 are allowable in their current form as indicated in the prior Office Action and no amendment to these claims is necessary.

Claim Rejections under 35 U.S.C. §103(a)

Claims 62 and 69-73 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reiss in view of Lee et al. Such rejections are traversed as follows.

Amended independent claim 69 is allowable over Reiss in view of Lee since the cited references do not disclose or suggest "providing a catheter having a rotating cutter, a collection chamber, and a cutting window, the collection chamber being distal to the cutting window" and "advancing the catheter in a distal direction to move the rotating cutter through occlusive material in the body lumen ... the occlusive material cut by the rotating cutter being

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directed through the cutting window and distally into the collection chamber.” Neither Reiss nor Lee suggest advancing the device in a distal direction and directing the tissue into a collection chamber positioned distal to the cutting window.

Lee discloses a cutting device having a bag to capture the material. A bendable cutting element is bowed outwardly and the shaft is rotated to cut tissue. As the shaft is rotated, tissue is collected in a bag positioned adjacent to the opening created by the bendable cutting element rather than distal to the opening as claimed. Applicant submits that it would not have been obvious to provide Lee with a collection chamber positioned distal to the opening as claimed since Lee clearly cuts tissue by rotating the shaft. As such, the bag naturally extends adjacent to the shaft and to the opening created by the bendable cutting element.

Reiss, on the other hand, uses suction to draw tissue which has been cut proximally through a suction lumen in the catheter. Nowhere does Reiss suggest using a distal collection chamber and Applicant submits that such a modification clearly would not have been obvious.

Amended independent claim 69 is allowable over Lee and Reiss for essentially the same reason that claim 62 distinguishes over Lee and Reiss, namely, that Lee and Reiss do not disclose or suggest “providing a debulking catheter having a body, an opening leading to a collection chamber, and a cutter, the collection chamber being distal to the opening” and “advancing the debulking catheter in a distal direction ... wherein the rotating cutter and the opening advance together so that material cut by the rotating cutter is directed through the opening and distally into the collection chamber.”

Dependent claims 70-71 are allowable since they depend from allowable independent claim 69 and because they recite independently patentable features.

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CONCLUSION

Applicant respectfully requests reconsideration and reexamination of the pending claims. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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